



House Bill No. 5886

Public Act No. 17-159

AN ACT ESTABLISHING A TAX CREDIT FOR DONATED AGRICULTURAL FOOD COMMODITIES PRODUCED OR GROWN BY THE TAXPAYER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective July 1, 2017, and applicable to income years commencing on or after January 1, 2017*) (a) There shall be allowed a credit against the tax imposed under chapter 208 or 229 of the general statutes, other than the liability imposed by section 12-707 of the general statutes, for agricultural food commodities such as fruits, vegetables, dairy, eggs, poultry or meat, that are (1) grown or produced by the taxpayer, and (2) donated by such taxpayer to a food bank in the state or an emergency feeding organization in the state, recognized by the Department of Revenue Services.

(b) (1) The amount of the credit shall be fifteen per cent of the market value of the product donated during the income year for which the credit is claimed, or five thousand dollars, whichever is less. Any credit not used in the income year for which it was allowed may be carried forward for the five immediately succeeding income years until the full credit has been claimed. Any taxpayer claiming the credit shall provide to said department documentation supporting such claim in the form and manner prescribed by the Commissioner of Revenue

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Services.

(2) If the taxpayer is an S corporation or an entity treated as a partnership for federal income tax purposes, the credit may be claimed by the taxpayer's shareholders or partners. If the taxpayer is a single member limited liability company that is disregarded as an entity separate from its owner, the credit may be claimed by such limited liability company's owner, provided such owner is subject to the tax imposed under chapter 208 or 229 of the general statutes.

(c) (1) No taxpayer shall donate agricultural food commodities that the Department of Public Health or a local director of health, or an authorized agent thereof, has embargoed or ordered destroyed, are adulterated, as defined in section 21a-101 of the general statutes, or are not fit for human consumption.

(2) No taxpayer shall receive remuneration for a donation made pursuant to this section.

Vetoed July 7, 2017